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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/827,328	04/20/2004	Yutaka Takita	826.1944	2922
21171	7590	09/30/2005	EXAMINER LESTER, EVELYN A	
STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			ART UNIT 2873	PAPER NUMBER

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/827,328

Applicant(s)

TAKITA ET AL.

Examiner

Evelyn A. Lester

Art Unit

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4-20-04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mamyshev et al (U.S. Patent Pub. 2003/0175036 A1).

Mamyshev et al is interpreted as disclosing the claimed invention, as noted for example in Figure 1 and its accompanying text, of an optical pulse generating apparatus, having a light source (CW laser light), a phase modulator (10) and a phase adjuster (12; note page 2, paragraph [0039], for example.

3. Claim 1 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shpantzer et al (U.S. Patent Pub. 2003/0147116 A1).

Shpantzer et al is interpreted as disclosing the claimed invention, as noted for example in Figure 7 and its accompanying text, of an optical pulse generating apparatus, having a light source (i.e. CW light), a phase modulator (710) and a phase adjuster (734).

4. Claim 2 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Mamyshev et al (U.S. Patent 5,473,458).

Mamyshev et al is interpreted as disclosing the claimed invention, as noted for example in Figure 1 and its accompanying text, of an optical pulse generating apparatus, having a light source (2), phase modulator (6) and a wavelength selector (7; transmission medium, such as sliding-frequency guiding filters; note col. 2, line 61 to col. 3, line 3).

5. Claim 2 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Kikuchi et al (U.S. Patent Pub. 2003/0189745 A1).

Kikuchi et al is interpreted as disclosing the claimed invention, as noted for example in Figure 1 and its accompanying text, of an optical pulse generating apparatus, having a light source (100), a phase modulator (101) and a wavelength selector (104; i.e. narrow band optical filter).

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


The following are U.S. Patents/Pubs. directed to optical pulse generating apparatuses:

Veselka et al	U.S. Patent 5,963,567
Yamada	U.S. Patent 6,289,142 B1
Prosyk	U.S. Patent 6,717,708 B2
Leuthold et al	U.S. Patent 6,760,142 B2
Griffin	U.S. Patent Pub. 2004/0253000 A1
Leuthold et al	U.S. Patent Pub. 2005/0036725 A1

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Evelyn A. Lester whose telephone number is (571) 272-2332. The examiner can normally be reached on subject to an increased flex schedule, M-F, 10-7pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Y. Epps can be reached on (571) 272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Evelyn A. Lester
Primary Examiner
Art Unit 2873